

DEBATE NUMBER

CASE NO. 20

DATE 2/9/11

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17 LOEHEN, M.D., LAR AUTIO, M.D.,
18 GEORGE RISI, JR., M.D. and
19 COMPASSION & CHOICES,

20 Plaintiffs,

21 v.

22 STATE OF MONTANA and MIKE
23 MCGRATH, ATTORNEY GENERAL,

24 Defendants.

Judge: Dorothy McCarter
Cause No. ADV 2007-787

PLAINTIFFS' RESPONSES TO
STATE OF MONTANA'S FIRST
DISCOVERY REQUESTS

Plaintiffs respond to Defendant State of Montana's First Discovery Requests as follows:

INTERROGATORY NO. 1: Define "aid in dying" as it is used in the Complaint,
including the specific medication(s) and process(es) involved, any differences between the type,
dose, and amount of medication prescribed for palliative care and "aid in dying," the resulting

PLAINTIFFS' RESPONSES TO STATE OF MONTANA'S FIRST DISCOVERY REQUESTS

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1 person understands what he or she is doing and the probable consequences of his or her acts.
2 Mental competence will be determined by the person's attending physician based upon the
3 physician's professional judgment and assessment of the relevant medical evidence.
4

5 **INTERROGATORY NO. 4:** Define "terminally ill adult patient" as it is used in the
6 Complaint, including the specific class that Plaintiff Patients' purport to represent, the diseases
7 that may qualify for terminal illness, expected terminal prognosis, who will determine the
8 diagnosis and prognosis, and any other objective standards that delimit the definition.

9 **ANSWER:** The term "terminally ill adult patient", as used in the complaint, means a
10 person 18 years of age or older who has an incurable or irreversible condition that, without the
11 administration of life-sustaining treatment, will, in the opinion of his or her attending physician,
12 result in death within a relatively short time. This definition is not limited to any specific set of
13 illnesses, conditions or diseases. The patient plaintiffs in this case represent the class of Montana
14 citizens who are mentally competent, adult, terminally ill under this definition, and wish to avail
15 themselves of the right to aid in dying. The patient's diagnosis and prognosis will be determined
16 by his or her attending physician.
17

18 **INTERROGATORY NO. 5:** Define "a dying process the patient finds intolerable" as it
19 is used in the Complaint, including any objective standards that delimit the definition.

20 **ANSWER:** This is a subjective determination made by the individual patient based upon
21 his or her medical condition and circumstances, symptoms, and personal values and beliefs.
22

23 **INTERROGATORY NO. 6:** Define how a patient seeking "aid in dying" "requests such
24 assistance" as it is described in the Complaint.
25

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Alex Schadenberg
Executive director
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October 22, 2009

Dear Mr. Schadenberg:

We are a physician and an attorney in Washington State where assisted suicide is regrettably legal. We write to comment on the lawsuit in Connecticut which seeks to legalize "aid in dying" for "terminally ill patients."

The terms "aid in dying" and "terminally ill" imply that legalization would apply only to dying patients. Don't count on it. In Montana, where there is another lawsuit involving "aid in dying", assisted suicide advocates define the phrase "terminally ill patient" as follows:

[A] person 18 years of age or older who has an incurable or irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of his or her attending physician, result in death within a relatively short time.
(See, Enclosed Interrogatory Responses from Montana Plaintiffs)

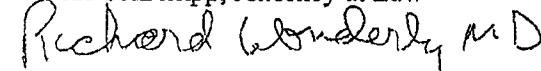
X Shockingly, this definition is broad enough to include an 18 year old who is insulin dependent or dependent on kidney dialysis, or a young adult with stable HIV/AIDS. Each of these patients could live for decades with appropriate medical treatment. Yet, they are "terminally ill" according to the definition promoted by advocates of assisted suicide. (Compassion & Choices)

Once someone is labeled "terminal," an easy justification can be made that their treatment or coverage should be denied in favor of someone more deserving. In Oregon, where assisted suicide has been legal for years, "terminal" patients have not only been denied coverage for treatment, they have been offered assisted suicide instead. The most well-known cases involve Barbara Wagner and Randy Stroup, reported at <http://www.abcnews.go.com/Health/comments?type=story&id=5517492>.

Those who believe that assisted suicide promotes free choice may discover that it does anything but.

Very truly yours,


Theresa Schrempp, Attorney at Law


Richard Wonderly M. D.

Enclosure
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